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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,055	01/10/2006	Kenichi Makino	277006US6PCT	5660
22850	7590	09/03/2009	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			CHU, KIM KWOK	
ART UNIT	PAPER NUMBER			
	2627			
NOTIFICATION DATE	DELIVERY MODE			
09/03/2009	ELECTRONIC			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/564,055	<b>Applicant(s)</b> MAKINO ET AL.
	<b>Examiner</b> Kim-Kwok CHU	<b>Art Unit</b> 2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on Amendment filed on 7/30/2009.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 and 10-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 and 10-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on January 10, 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

***Withdrawn of Final Rejection***

1. Applicant's Amendment and Remarks filed on July 30, 2009 have been fully considered. After taking a closer look at the claim language, the finality of the office action mailed December 12, 2008 is hereby withdrawn so that new rejections which were inadvertently missed to cover are made as follows.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*

3. Claims 1-8, 10-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, lines 4-6, the functional language "reproduced" and "combined" are vague and indefinite because the claim does not provide the associated structure to perform the functions of reproducing and combining. Line 8, the phrase "environmental variables stored in said reproduction history storage" does not have antecedent basis. The claimed storage means is recited for "preserving identification information of reproduced contents data combined with the environmental

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variable at a time of reproduction". That is, the reproduction history storage means does not stored the environmental variables. Lines 7-10, the functional language "is judged" is vague and indefinite because without claiming an associated structure or source to perform the function of judging. It appears that control means may be the source of the judging function, if so, applicant should positively claim as so.

Regarding claim 10, the scope of these claims are similar to that of claim 1 and thus is rejected based on similar issues.

Regarding claims 1 and 10 (lines 12+) and claim 6 (lines 8+), it appears that the notations of the "equation" in these lines are being referring back to the "environmental variables" however, these notations fails to be specific as so. This renders the claim language in these unclear.

Claims not specifically mentioned above are rejected because these claims are dependent on the rejected base claim.

**Allowable Subject Matter**

4. Claims 1-8 and 10-14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

As in claims 1, 6 and 10, the prior art of record considered as a whole fails to teach or fairly suggest an information recording apparatus comprising:

the controller calculates the similarity value based on the equation:

$$Sn = Wc * 4\sqrt{((x-xn)^2 + (y-yn)^2)} + Wm * |m-mn| + Wt * |t-tn| + Wp * |p-pn|$$

where Sn is the calculated similarity value, Wc is a weight factor of location, x is a present longitude, Xn is nth history of longitude, y is a present latitude, yn is nth history of latitude, Wm is a weight factor of time, m is a current time, mn is nth history of time, Wt is a weight factor of temperature, t is a current temperature, tn is nth history of temperature, Wp is a weight factor of pressure, p is a current pressure, and pn is nth history of pressure.

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The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/

Examiner AU2627  
August 17, 2009  
(571) 272-7585

/HOA T NGUYEN/  
Supervisory Patent Examiner, Art Unit 2627